

22VAC40-151-90. (Repealed.)

22VAC40-151-100. Allowable Variances.

- A. Any request for an allowable variance shall be submitted in writing to the department and shall include all required elements specified in the General Procedures and Information for Licensure (22VAC40-80).
- B. An allowable variance shall not be implemented prior to approval of the department.

PART II ADMINISTRATION

22VAC40-151-110. Governing Body.

- A. The provider shall clearly identify the corporation, association, partnership, individual, limited liability company or public entity that is the licensee.
- B. The provider shall clearly identify any governing board, body, entity or person to whom it delegates the legal responsibilities and duties of the provider.

22VAC40-151-120. Responsibilities of the Provider.

- A. The provider shall appoint a qualified chief administrative officer to whom it delegates, in writing, the authority and responsibility for administrative direction of the facility.
- B. The provider shall develop and implement a written decision making plan that shall provide for a staff person with the qualifications of the chief administrative officer or program director to be designated to assume the temporary responsibility for the operation of the facility. Each plan shall include an organizational chart.
- C. The provider shall develop a written statement of the objectives of the facility including a description of the target population and the programs to be offered.
- D. The provider shall develop and implement written policies and procedures to monitor and evaluate service quality and effectiveness on a systematic and on-going basis. The provider shall implement improvements when indicated.

22VAC40-151-130. Fiscal Accountability.

- A. There shall be a system of financial recordkeeping that shows a separation of the facility's accounts from all other records.
- B. The provider shall develop and implement written policies and procedures that

address the day-to-day handling of facility funds to include:

1. Handling of deposits;
2. Writing of checks; and
3. Handling of petty cash.

22VAC40-151-140. Insurance.

- A. The provider shall maintain liability insurance covering the premises and the facility's operations.
- B. The provider shall provide documentation that all vehicles used to transport residents are insured, including vehicles owned by staff.
- C. The members of the governing body and staff who have been authorized to handle the facility's or residents' funds shall be bonded or otherwise indemnified against employee dishonesty.

22VAC40-151-150. Fundraising.

The provider shall not use residents in its fundraising activities without written permission of the legal guardian and the permission of residents 14 years or older.

22VAC40-151-160. Weapons.

The provider shall develop and implement written policies and procedures governing the possession and use of firearms, pellet guns, air guns, and other weapons on the facility's premises and during facility-related activities. The policy shall provide that no firearms, pellet guns, air guns, or other weapons shall be permitted on the premises or at facility- sponsored activities unless the weapons are:

1. In the possession of licensed security personnel or law-enforcement officers;
2. Kept securely under lock and key; or
3. Used by a resident with the legal guardian's permission under the supervision of a responsible adult in accord with policies and procedures developed by the facility for the weapons' lawful and safe use.

22VAC40-151-170. Relationship to Regulatory Authority.

- A. The governing body or its official representative shall notify the department within

five working days of any change in administrative structure or newly hired chief administrative officer or program director.

- B. Notwithstanding any other provision of law, the commissioner shall have the authority to place, remove, or direct the placement or removal of any child who is under the supervision and control of a local board or licensed child-placing agency.
- C. Pursuant to such authority, the commissioner shall remove or direct the removal of any child placed by a local board or licensed child-placing agency in a children's residential facility that fails to comply with any state or federal requirements intended to protect the child's health, safety, or well-being.

22VAC40-151-180. Facilities Serving Persons Over the Age of 17 Years.

Facilities that are approved to serve persons over the age of 17 years shall comply with these standards for all occupants regardless of age, except when it is determined by the department that housing, programs, services, and supervision for such persons are provided separately from those for the other residents.

22VAC40-151-190. Health Information and Reporting of Disease.

- A. Health information required by this section shall be maintained for each staff member and for each individual who resides in a building occupied by residents, including each person who is not a staff member or resident of the facility. Health information is to be handled, maintained and stored in a fashion that maintains confidentiality of the information at all times.
- B. Tuberculosis evaluation.
 - 1. At the time of hire or residency at the facility, each individual shall submit the results of a screening assessment documenting the absence of tuberculosis in a communicable form as evidenced by the completion of a form containing, at a minimum, the elements of a current screening form published by the Virginia Department of Health. The screening assessment shall be no older than 30 days.